

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

652A0636

## HOUSE BILL NO. 1182

Introduced by: Representatives Fiegen, Broderick, Chicoine, Davis, Diedrich, Duxbury, Eccarius, Fischer-Clemens, Fitzgerald, Kazmerzak, Koskan, Lucas, Monroe, Peterson (Bill), Smidt, and Van Gerpen and Senators Rounds, Brown (Arnold), Ham, and Lawler

1 FOR AN ACT ENTITLED, An Act to revise the places where vending machines selling tobacco  
2 products may be located.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-46-2 be amended to read as follows:

5 34-46-2. The following actions are unlawful:

6 (1) To knowingly sell or distribute a tobacco product to a person under the age of  
7 eighteen;

8 (2) To purchase or attempt to purchase or to receive or attempt to receive a tobacco  
9 product if a person is under the age of eighteen;

10 (3) To sell cigarettes other than in an unopened package originating with the  
11 manufacturer and depicting the warning labels required by federal law;

12 (4) To sell tobacco products through a vending machine located in a place other than the  
13 following:

14 (a) A factory, business, office, or other place not open to the general public;

1 (b) A place that is open to the public but to which persons under the age of  
2 eighteen are denied access; or

3 (c) ~~A place that is located within the immediate vicinity, plain view, and control of~~  
4 ~~a responsible employee age eighteen or older so that the employee may readily~~  
5 ~~observe all tobacco purchases. The vending machine may not be located in a~~  
6 ~~coat room, rest room, unmonitored hallway, enclosed entry, outer waiting area,~~  
7 ~~or similar unmonitored area and may not be accessible to the public when the~~  
8 ~~establishment is closed; or~~

9 (d) An establishment licensed under chapter 35-4 to sell alcoholic beverages for  
10 consumption on the premises where sold;

11 (5) To distribute tobacco product samples in or on a public street, sidewalk, or park that  
12 is within five hundred feet of a playground, school, or other facility when the facility  
13 is being used primarily by persons under the age of eighteen.